Crl.Misc.No.55268-M of 2006

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Hakam Singh Vs. State of Punjab

Present : Mr. Sanjiv Bansal, Advocate for the petitioner.
Mr. B.S. Baath,AAG, Punjab.

Prayer in this petition is, for grant of regular bail in case FIR No.99 dated 3.4.2006, registered under Sections 307,324,323,148,149 of the Indian Penal Code at Police Station Baghapurana, Distt.Moga.

As per the allegations against the petitioner, he is alleged to have inflicted a gandasa blow to the left side of the head of Badal Singh.

Counsel for the petitioner contends that the petitioner has been behind bars since 31.6.2006. Investigation has concluded, the challan has been presented but charges have not been framed. The prosecution has cited 7 PWs and as the trial is likely to be protracted, the petitioner be released on bail. It is further contended that the injured has recovered from his injuries and as per the medical certificate, issued by Dr.S.R. Mittal, C.H.C. Baghapurana, the injuries have already healed externally and there is no imminent danger to the life of Badal Singh. This medical certificate has been obtained by the police, from the aforementioned doctor.

Counsel for the State of Punjab, submits that as the petitioner inflicted an injury to the head and even if the injured has recovered, the nature of the injury and the offence alleged, disentitles the petitioner to the grant of bail.

I have heard learned counsel for the parties and perused the paper book.

The petitioner has been behind bars since 31.6.2006. Investigation has concluded with the presentation of a challan. The petitioner is not required by the police for further investigation or for any other purpose. The injured has recovered from his injury and as is apparent from the medical certificate dated 17.11.2006, issued by Dr.S.R. Mittal of C.H.C., Bagha Purana (Moga). In view of the aforementioned facts, no ground to incarcerate the petitioner any further.

Counsel for the State of Punjab has not expressed any apprehension that if released on bail, the petitioner would, in any manner, subvert the trial and/or try to win over the witnesses.

Without expressing any opinion on the merits of the present controversy, bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Moga.

Nothing stated herein shall be construed to be an expression of opinion on the merits of the case.

21.11.2006 (RAJIVE BHALLA)
GS JUDGE